

REMARKS

Claims 1-3, 6, 8, 12 and 14-16 have been rejected under 35 USC 103(a) as unpatentable over Burns in view of Hamilton. The rejection is respectfully traversed.

The invention relates to a method for billing a communications link between communications terminals. A set-up message is routed to a network node, a charge request is transmitted by the network node to a call charge computer, a response message is sent to the network node, and when there is a positive result, a communications link to a target communications terminal is established, otherwise, the link is aborted.

Burns discloses a method for completing calls to wireless communications customers. A database is queried to determine whether to bill the calling party or the called party for communications charges associated with the wireless communication service. The Examiner states that Burns fails to disclose “routing a set-up message to network node, network node transmitting a charge request, the call charge computer sending a response to the network node, network node establishes a link, and network node aborts the establishment of the link.” Applicants agree that Burns fails to disclose these features. The Examiner, however, relies on Hamilton as disclosing these features.

According to the Examiner, Hamilton discloses a network receiving request 102 (Fig. 2) for a sponsored packet switched data service in a wireless network. The Examiner emphasizes disclosure of a wireless network capable of carrying packet switched data so that one or more packet switched data services on the network are SPONSORED BY ANOTHER for a user, and that if the packet switched data service provider is the SPONSOR, the call set-up request will be routed to a network node of the mobile radio network. (Paragraphs 0046-0050). Applicants respectfully disagree. Hamilton fails to disclose a set-up message related to a first link by the communications terminal via the Internet to a network node, and transmitting a charge request by the network node to the call charge computer, as required by the claimed invention. Rather, in Hamilton, if a user is authorized access to network 10 for packet switched data services, process 100 determines whether the requested service is a sponsored packet switched data service. If the service requires is for a sponsored packet switched data service, the process 100 determines whether the user is authorized to access the specifically requested sponsored packet. If the user is authorized to access the specifically requested packet, process 100 selects a service provider

for the specific requested switched data service. This request is for selection of a sponsored packet, and therefore a particular service provider. However, it is not a request to route a set-up message to a network node in order to transmit a charge request by the network node to the call charge computer, as required by the claimed invention. The mere fact that process 100 monitors and meters the packet switched data session (e.g. gathering billing and other information generated during the session), is irrelevant to the request itself. Indeed, the request only asks for the sponsored packet and resulting provider, it neither routes a set-up message nor transmits a charge request by the network node to the call charge computer.

Since the recited method is not disclosed by the applied prior art, either alone or in combination, claims 1-3, 6, 8, 12 and 14-16 are patentable.

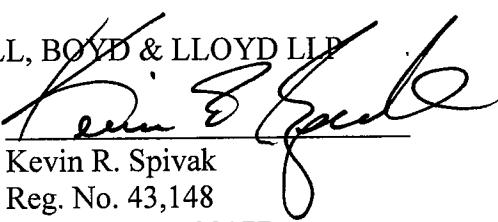
Claims 4, 5 and 7 have been rejected under 35 USC 103(a) as unpatentable over Burns, in view of Hamilton, further in view of Doshi. The rejection is respectfully traversed for the same reasons presented in the arguments above, and since Doshi fails to disclose routing a set-up message to a network node and transmitting a charge request by the network node to the call charge computer.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. The Examiner is kindly requested to refer to Attorney Docket 18744-029 when responding to this communication.

Respectfully submitted,

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